



Legislation Text

File #: 19-0306R, **Version:** 1

RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE THE APPLICATION OF GREGG ANDERSON FOR A MINOR SUBDIVISION OF HIS PROPERTY LEGALLY DESCRIBED AS TRACT A, REGISTERED LAND SURVEY NO. 93, ST. LOUIS COUNTY.

CITY PROPOSAL:

RESOLVED, that the city council finds as follows:

- (a) Chapter 50 of the Duluth Legislative Code (the "Code") provides for the subdivision of land within the city of Duluth using a Minor Subdivision (Sec. 50-37.5.D) approved by the planning commission if the following criteria are met:
 - a. The lots to be subdivided will have frontage on a public street; and
 - b. Each of the lots will meet minimum zoning requirements of the district that it is in; and
 - c. Any structures currently existing on the parcel to be subdivided must comply with the requirements of said Chapter 50 or, after the subdivision or, if the structures are currently nonconforming with the requirements of said Chapter 50, that the subdivision does not create any new nonconformity or increase the degree of nonconformity; and
- (b) On January 15, 2019, Gregg Anderson submitted an application for a minor subdivision to divide a parcel of land legally described as Tract A, Registered Land Survey No. 93, St. Louis County, Minnesota in his ownership into two parcels; and
- (c) One of the resulting parcels will contain 15,658 square feet and have 75 feet of frontage on West 15th Street; and
- (d) The second parcel will contain 41,713 square feet and have 177 feet of frontage on West 15th Street; and
- (e) The planning commission considered the application at its March 12, 2019, regular meeting, and, following a duly noticed public hearing where all parties were given an opportunity to speak, the planning commission found that the proposed subdivision complied with the above requirements of Section 50-37.5 D of the Code and voted 8-1 to approve the minor subdivision request
- (f) On March, 21 2019, the city clerk received an appeal from Steve Filipovich (see Attachment A) requesting the city council reverse the planning commission's decision to approve the minor subdivision; and
- (g) The city council heard the appeal at its May 13, 2019 regular meeting. The subject application meets the requirements of Section 50-37.5 D of the Code.

RESOLVED FURTHER, that based on the files and records of the planning commission, the appeal of the appellant and supporting documentation and testimony and any other evidence adduced at the hearing, the city council hereby affirms the decision of the planning commission to approve the minor subdivision as proposed in the subject application.

STATEMENT OF PURPOSE: The resolution affirms the planning commission's decision to approve Gregg

Anderson for a minor subdivision of Tract A of Registered Land Survey No. 93.

City Council Appeal Received: March 21, 2019

Complete Minor Subdivision Application Received: January 15, 2019

Action Deadline for Minor Subdivision Application: May 15, 2019